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Trade and Commerce Bank (In Liquidation)*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

TRADE AND COMMERCE BANK (IN  
LIQUIDATION)

Debtor,

-----X  
RICHARD FOGERTY, as Joint Official  
Liquidator of Trade and Commerce Bank

Plaintiff,

-against-

Kesten Development Corp.

Defendant.

Chapter 15  
Case No. 05-60279 (SMB)

Adv. Pro. No. 10-03611 (SMB)

**DECLARATION OF WILLIAM T.  
REID IV IN SUPPORT OF  
PLAINTIFF'S APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY  
INJUNCTION**

The undersigned, William T. Reid IV, submits the following declaration pursuant to 28 U.S.C. § 1746 under penalty of perjury and states as follows:

1. I am a partner in the law firm of Reid Collins & Tsai, LLP, counsel for Plaintiff Richard Fogerty in the above-referenced matter. I submit this Declaration in Support of Plaintiff's Application for Temporary Restraining Order and Preliminary Injunction ("**Application**").

2. On or around August 4, 2010, I attended a meeting in Washington, D.C. with Richard Fogerty, several other lawyers on our team, and Jack de Kluiver, Senior Trial Attorney for the United States Department of Justice Criminal Division Asset Forfeiture & Money Laundering Section, along with Jennifer Walls another attorney in that section, among others. In that meeting Mr. de Kluiver told Mr. Fogerty and me that when the restraining order placed on the funds seized from the Venus Account was dissolved, intended to distribute those funds to Kesten Development, Corp. pursuant to the Order from the United States District Court for the District of New Jersey.

3. In a phone conversation in mid-September, Barry Fischer, Kesten's U.S. counsel, told me that he does not believe the British Virgin Islands is the proper forum for TCB to bring claims against Kesten, that the BVI judgment was essentially meaningless, and that he intended to continue to ignore the BVI proceedings.

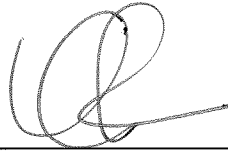
4. Accompanying this Declaration are true and correct copies of the following exhibits submitted in support of Plaintiff's Motion.

<b>Exhibit</b>	<b>Description of Document</b>
<b>A</b>	Order Appointing Richard Fogerty as Joint Official Liquidator, Grand Court Cayman Islands, Cause 496 of 2002
<b>B</b>	Indictment of Antonio Pires De Almeida, <i>United States v. De Almeida</i> , No. 2:01-cr-00161-FSH-1 (NJ Dist. 2001), Indictment as to Antonio Pires De Almeida, Raoul Srouf, and Flavio Soares.
<b>C</b>	Amended Judgment, <i>United States v. Maria Carolina Nolasco</i> , United States District Court for the District of New Jersey, Case No. Cr. 04-617-01
<b>D</b>	Civil Complaint, <i>United States v. Turist-Cambio Viagens E Turismo, Ltda, Kesten Development Corp. Antonio Pires De Almeida, and Roseli Ciolfi</i> , Case 2:04-cv-00115-JWB-GDH.
<b>E</b>	Statement of Claim, <i>Trade and Commerce Bank v. Kesten Development Corp.</i> , Eastern District of Caribbean Supreme Court High Court of Justice British Virgin Islands Commercial Division.
<b>F</b>	Default Judgment, <i>Trade and Commerce Bank v. Kesten Development Corp.</i> , Eastern District of Caribbean Supreme Court High Court of Justice British Virgin

	Islands Commercial Division.
<b>G</b>	C. Boneau email to B. Fischer and the Government dated September 17, 2010.
<b>H</b>	Order, <i>United States v. \$8,221,877.16</i> , United States District Court for the District of New Jersey, Case No. 00-2667
<b>I</b>	Restraining Order, United States District Court for the District of Columbia, Misc. No. 1:05-mc-00040.
<b>J</b>	Order to Vacate, United States District Court for the District of Columbia, Misc. No. 1:05-mc-00040.
<b>K</b>	Seizure Warrant, United States District Court for the District of New Jersey, Case No. 99-3026
<b>L</b>	Docket Report for <i>United States v. Nolasco et al</i> , Case No. 2:02-mj-03090-MF-1.
<b>M</b>	Amended Verified Complaint for Forfeiture, <i>United States v. \$8,221,877.16</i> , United States District Court for the District of New Jersey ,Case No. 00-2667
<b>N</b>	Order, <i>United States v. \$8,221,877.16</i> , United States Court of Appeals For the Third Circuit, Case No. 5-4533
<b>O</b>	Government's Motion to Vacate, United States District Court for the District of Columbia, Misc. No. 1:05-mc-00040.
<b>P</b>	Letter from B. Fischer dated September 14, 2010.
<b>Q</b>	Affidavit of D. Waldek regarding service of the BVI Judgment

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 24, 2010, at Austin, Texas.



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